IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY THE EIGHTY DAY OF DECEMBER TWO
THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION No. 7251 of 2001

Between:

G.Aanji Reddy S/o.Seshi Reddy
G.Anji Reddy Judicial Department
R/o.Stambhalagaruvu Guntur, Guntur District

..... PETITIONER

AND

1.The Registrar (Admn), High Court of Andhra Pradesh Hyderabad.
2.The District Judge, Guntur.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to grant a direction more particularly in the nature of Writ of Certiorari, calling for the records from the 2nd Respondent District Judge, Guntur and quash the impugned procdeedings dt.10-5-2000 of District Judge, Guntur and confirmed by the 1st Respondent on 8-3-2001 by order ROC No.137/99.C.II/1, as illegal, against the Principles of Natural Justice, contrary to the law,

and violative of Art.14 and 21 of the Constitution of India, consquently directing the 2nd Respondent to consider the case of the Petitioner for reinstatement with all consequential benefits in the interest of justice and pass such order or orders that are deemed fit and proper.

Counsel for the Petitioner: Mr.K.K.CHAKRAVARTHY

Counsel for the Respondents: MR.C.V.NAGARJUNA REDDY

The Court made the following :

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O R D E R:

(per the Hon'ble Sri Devinder Gupta, the Chief Justice)

The Petitioner is aggrieved by the order passed by the District Judge, Guntur through his proceedings dated 10.5.2000 removing him from service and subsequent order passed on 8.3.2001 by the 1st respondent dismissing his appeal.

Petitioner worked as Lower Division Clerk in the court of Special Judicial First Class Magistrate, Prohibition and Excise, Guntur from

1997 to 1999. While working as Lower Division Clerk in the court of Additional Munsif Magistrate, Mangalagiri in the year 1996, he was property clerk and for the irregularities committed, he was proceeded against departmentally. Charges were framed and the Principal Senior Civil Judge, Guntur was appointed as Enquiry Officer. On consideration of the entire material on record, the petitioner was found guilty of some of the charges leveled against him and, therefore, holding him guilty of negligence in the discharge of duties, Enquiry Officer recommended lenient view be taken in the matter, since the petitioner was at the fag end of his service and had large family to support. He was found to be not of a bad character or a drunkard and not previously involved in any departmental proceedings. Basing on the enquiry report dated 11.1.1999, show cause notice was issued by the disciplinary authority and on 24.5.1999 passed order of removal from service. Appeal was preferred to the 1st respondent and on 31.1.12000 appeal was allowed, order of removal from service was set aside and the case was remitted back to the disciplinary authority to consider the entire material afresh and pass appropriate orders. Again the same order was reiterated by the disciplinary authority and the appeal also was dismissed.

We have heard the learned counsel for the parties and have been taken through the record.

Needless to add that the petitioner was placed under suspension with effect from 17.1.1997 and ultimately he was imposed punishment on 24.5.1999.

The learned counsel for the petitioner tried to persuade us on the

basis of the material on record that for some procedural lapses, petitioner cannot be held guilty for the charges framed against him and in any event, it is not a case of removal from service.

In judicial review it is not permissible for us to make reappraisal of the evidence and form our own opinion, when the evidence on record is sufficient to support the view taken by the Enquiry Officer as accepted by the disciplinary authority. We do not find any ground to differ with the said finding, but would make one observation, that the Enquiry Officer who himself was the Principal Senior Civil Judge, Guntur, found the petitioner to be negligent in discharge of his duties and also made recommendation that since the petitioner was at the fag end of the service career and had large family to support, it was a fit case for showing some leniency. In that view of the matter, while not interfering with the finding recorded by the disciplinary authority and as approved by the 1st respondent, as regards the charges and finding thereon, we allow the writ petition partly by modifying the punishment imposed upon the petitioner from removal of service to that of compulsory retirement. Ordered accordingly.

The writ petition stands disposed of. No costs.

DATE:08.12.2004

AVS/VR ----------

DEVINDER GUPTA, CJ

M.NARAYANA REDDY, J

To

1.The Registrar (Admn), High Court of Andhra Pradesh Hyderabad.
2.The District Judge, Guntur.

3. Two CD copies.